

Assembly Bill No. 172

CHAPTER 211

An act to add Sections 8238, 8238.1, 8238.2, 8238.3, 8238.4, 8238.5, 8238.6, and 8239 to the Education Code, relating to child care, and making an appropriation therefor.

[Approved by Governor September 7, 2006. Filed with
Secretary of State September 7, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 172, Chan. Child care: state preschool programs.

Existing law, the Child Care and Developmental Services Act, establishes various full- and part-time programs for a comprehensive, coordinated, and cost-effective system of developmental services for children to age 13 and their parents. Other existing law, the Kindergarten Readiness Pilot Program, permits, until January 1, 2014, school districts to participate in the program to provide kindergarten preparedness opportunities to increase a child's readiness for school. Existing law requires the Superintendent of Public Instruction to administer state preschool programs including part-time day and preschool appropriate programs for prekindergarten children 3 to 5 years of age.

This bill would require the Superintendent of Public Instruction and the State Department of Education to administer prekindergarten and family literacy programs in accordance with specified funding and other requirements. The bill would require a participating program to provide specified child development and family literacy services as a condition of receiving funding. The bill would require a local educational agency on behalf of one or more participating programs to select a program coordinator who may be assigned one or more specified duties. The bill would make an appropriation by making \$50,000,000 of the funds appropriated in a specified provision of the Budget Act of 2006 for child development and preschool programs available for expenditure by the Superintendent for purposes of prekindergarten and family literacy programs, as specified. The bill would require the Superintendent to conduct an evaluation of the effectiveness of those programs, as specified. The bill would also make an appropriation by making \$5,000,000 of unearned contract funds appropriated in a specified provision of the Budget Act of 2005 for general child care programs available for expenditure by the Superintendent to provide direct child care services for children in participating classrooms, as specified. The bill would require the Superintendent to encourage participating providers to offer full-day services through a combination of part-day preschool slots and part-day general child care and development programs.

This bill would appropriate \$150,000 from the General Fund to the State Department of Education for the 2006–07 fiscal year to administer specified child development and preschool programs.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) A compelling body of respected research demonstrates that quality preschool programs benefit children and their families, the public school system, public safety, the economy, and society as a whole.

(b) California has an enormous opportunity to reach children at a time when they are eager and ready to learn. 90 percent of brain development takes place before age five, making early childhood the best time to invest in preschool programs that boost learning, creativity, and social skills. Preschool programs lay a strong foundation that helps children succeed in school and in life.

(c) Quality preschool experiences boost academic achievement in school, decrease grade retention, decrease special education placements, and increase graduation rates. Quality preschool further reduces the likelihood of later arrest and incarceration, and increases college attendance and earnings in adulthood. A recent Rand Corporation report states that every dollar invested in quality preschool in California would return as much as two to four dollars to the public.

(d) Quality preschool experiences decrease special education placements, in part because they have the potential to provide early identification and intervention for young children with exceptional needs, which can reduce the need for ongoing special education services. Providing access to quality preschool for children with exceptional needs can help support their development and prepare them for a successful transition to kindergarten and beyond.

(e) Research confirms the many benefits that children, parents, and preschool programs gain when parents are involved in their child's preschool learning both inside the classroom and at home.

(f) The Council of Chief State School Officers has found that efforts to reform and strengthen public education cannot succeed without a concerted effort to support and improve programs that provide care and education for our youngest children.

SEC. 2. Section 8238 is added to the Education Code, to read:

8238. As a condition of receipt of funds pursuant to Section 8238.4, a participating program shall include, but not be limited to, both of the following:

(a) Age and developmentally appropriate activities for children in participating classrooms that are designed to facilitate their transition to kindergarten.

(b) Opportunities for parents and legal guardians to work with their children on interactive literacy activities. For purposes of this subdivision, “interactive literacy activities” means activities in which parents or legal guardians actively participate in facilitating the acquisition by their children of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development.

SEC. 3. Section 8238.1 is added to the Education Code, to read:

8238.1. As a condition of receipt of funds pursuant to Section 8238.4, a participating program shall coordinate the provision of all of the following:

(a) Parenting education for parents and legal guardians of children in participating classrooms to support the development by their children of literacy skills. Parenting education shall include, but not be limited to, instruction in all of the following:

(1) Providing support for the educational growth and success of their children.

(2) Improving the parent-school communications and parental understanding of school structures and expectations.

(3) Becoming active partners with teachers in the education of their children.

(b) Referrals, as necessary, to providers of instruction in adult education and English as a second language in order to improve the academic skills of parents and legal guardians of children in participating classrooms.

SEC. 4. Section 8238.2 is added to the Education Code, to read:

8238.2. A local educational agency on behalf of one or more participating programs may select a program coordinator whose duties may include the following:

(a) Developing a system to coordinate the provision of literacy services to families at the local educational agency and community level.

(b) Creating an organizational partnership between each program provider and an adult education program operated by a local educational agency or other community provider, as needed.

(c) Promoting parental involvement in participating classrooms.

SEC. 5. Section 8238.3 is added to the Education Code, to read:

8238.3. As a condition of receipt of funds pursuant to Section 8238.4, a participating program shall provide staff development for teachers in participating classrooms that includes, but is not limited to, all of the following:

(a) Development of a pedagogical knowledge including, but not limited to, improved instructional strategies.

(b) Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms.

(c) Information on working with families, including the use of on site coaching, for guided practice in interactive literacy activities.

SEC. 6. Section 8238.4 is added to the Education Code, to read:

8238.4. Of funds appropriated in Schedule (1) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 2006 (Ch. 48, Stats. 2006) for child development and preschool programs, fifty million dollars (\$50,000,000) is available for expenditure by the Superintendent as follows:

(a) (1) Forty-five million dollars (\$45,000,000) to reimburse participating programs on a per-child basis at the same rate that is used for the state preschool program, as determined in the annual Budget Act or other statute.

(2) The funds described in paragraph (1) shall be assigned to programs located in the attendance area of elementary schools in deciles 1 to 3, inclusive, based on the 2005 base Academic Performance Index pursuant to Section 52056. Within elementary schools in deciles 1 to 3, inclusive, based on the 2005 base Academic Performance Index, preference shall be provided to underserved areas as described in subdivision (d) of section 8279.3.

(3) Notwithstanding any other provision of law, programs receiving funding in this section shall serve children who would attend kindergarten in the subsequent academic year. No child shall receive services from a program under this section for more than one year.

(4) Notwithstanding any other provision of law, a program receiving funding pursuant to this section may provide services to children in families above the income eligibility threshold, as described in Sections 8263 and 8263.1, if the number of contracted slots exceed the number of eligible children. No more than 20 percent of contracted slots may be filled by children in families above the income eligibility threshold.

(5) The department shall report to the Department of Finance and the Legislature at budget hearings the number of children who are being served with the funds described in paragraph (1). The report shall also include the number of children served above the income eligibility threshold and the age of all children served.

(b) (1) Five million dollars (\$5,000,000) to be distributed to each participating classroom at a rate of two thousand five hundred dollars (\$2,500) per classroom per school year. Funds received pursuant to this subdivision may be used for all of the following purposes:

(A) Compensation and support costs for program coordinators as described in Section 8238.2.

(B) Staff development pursuant to Section 8238.3.

(C) Family literacy services.

(D) Instructional materials, including consumables.

(2) In the event that the total amount described in paragraph (1) is insufficient to fund all of the participating classrooms at the per classroom rate described in that paragraph, the classroom rate shall be prorated accordingly.

(c) The appropriation of funds for purposes of this section beyond the amounts described in this section shall be in the annual Budget Act or other statute.

SEC. 7. Section 8238.5 is added to the Education Code, to read:

8238.5. Subject to the availability of funds for purposes of this section, as described in subdivision (c) of 8238.4, the Superintendent shall conduct an evaluation of the effectiveness of prekindergarten and family literacy programs established pursuant to this article. To the extent feasible, the evaluation shall do both of the following:

(a) Rely on quantifiable measures of academic achievement of participating children, including, but not limited to, performance on the Standardized Testing and Reporting Program test and the English language development test administered in grade 3.

(b) Estimate the costs and benefits of the programs.

SEC. 8. Section 8238.6 is added to the Education Code, to read:

8238.6. Notwithstanding any other provision of law, up to five million dollars (\$5,000,000) of unearned contract funds appropriated in Schedule (1.5)(a) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 2005 (Ch. 38, Stats. 2005) for general child care programs is available for expenditure by the Superintendent to provide direct child care services for children in participating classrooms to meet the child care needs of parents for the portion of each day that is not covered by services provided as part of a preschool program pursuant Section 8238.4.

SEC. 9. Section 8239 is added to the Education Code, to read:

8239. The Superintendent shall encourage participating providers to offer full-day services through a combination of part-day preschool slots and part-day general child care and development programs. In order to facilitate a full-day of services, all of the following shall apply:

(a) Part-day preschool programs shall operate between 175 and 180 days.

(b) Part-day general child care and development programs may operate a minimum of 246 days per year unless the child development contract specified a lower minimum days of operation. Part-day general child care and development programs may operate a full-day for the remainder of the year after the completion of the preschool program.

(c) Full day services provided under this section shall be reimbursed at no more than the standard reimbursement rate with adjustment factors.

(d) Notwithstanding any provision of law, to be eligible for part-day child care, a child who is enrolled in a preschool program shall be required to meet the eligibility requirements specified in paragraph (4) of subdivision (a) of Section 8238.4 and the requirements pursuant to Section 8263 and 8263.1 at the time of enrollment in a preschool. Subsequent to enrollment, a child shall be deemed eligible for part-day care as long as the child is enrolled in a preschool program.

SEC. 10. The sum of one hundred fifty thousand dollars (\$150,000) is hereby appropriated from the General Fund to the State Department of Education for the 2006–07 fiscal year to administer the programs described in Section 8238.4 of the Education Code.